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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERSMIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

DOCKET NO. T-20497A-06-0802

IN THE MATTER OF THE APPLICATION
OF CBeyond COMMUNICATIONS, LLC
FOR APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE FACILITIES-BASED LOCAL
EXCHANGE AND RESOLD LONG
DISTANCE TELECOMMUNICATIONS
SERVICES IN ARIZONA.PROCEDURAL ORDER**BY THE COMMISSION:**

On December 28, 2006, Cbeyond Communications, LLC ("Cbeyond" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange and resold long distance telecommunications services in Arizona. The Applicant's application also petitioned the Commission for a determination that its proposed services be classified as competitive.

On January 17, 2007, the Commission's Utilities Division Staff ("Staff") issued a Letter of Insufficiency and First Set of Data Requests to Cbeyond.

On March 19, 2007, Cbeyond filed responses to Staff's First Set of Data Requests.

On March 23, 2007, Cbeyond filed additional information in response to Staff's Data Requests.

On April 27, 2007, Staff issued a second Letter of Insufficiency and Second Set of Data Requests to Cbeyond.

On May 31, 2007, Staff issued a third Letter of Insufficiency and Third Set of Data Requests to Cbeyond.

On June 5, 2007, Cbeyond filed responses to Staff's Third Set of Data Requests.

On October 16, 2007, Applicant filed additional information in support of its application.

On May 1, 2008, Applicant filed additional information in support of its application.

On July 17, 2008, Staff docketed a Staff Report recommending approval of Cbeyond's application and recommending that Cbeyond's proposed services be classified as competitive.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on Cbeyond's application shall commence on **September 11, 2008, at 10:00 a.m.** or as soon thereafter as is practicable, at the Commission's offices, in Room 100, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Cbeyond shall **publish notice of the hearing** in a newspaper(s) of general circulation in every county in Arizona in which Cbeyond desires to provide service, in the following form and style, with a heading no less than 10-point type and the body no less than 10-point regular type by **August 15, 2008**, and shall file an Affidavit of Publication with the Commission no later than **August 29, 2008**.

IN THE MATTER OF THE APPLICATION OF CBeyond
COMMUNICATIONS, LLC FOR APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED
LOCAL EXCHANGE AND RESOLD LONG DISTANCE
TELECOMMUNICATIONS SERVICES.
(Docket No. T-20497A-06-0802)

On December 28, 2006, Cbeyond Communications, LLC ("Cbeyond" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based local exchange and resold long distance telecommunications services in Arizona. The Commission's Utilities Division Staff ("Staff") has recommended approval of Cbeyond's application. The Commission is not bound by the proposals made by Cbeyond, Staff, or any intervenors. The Commission will issue a decision on Cbeyond's application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application are available at Cbeyond's offices [insert address] and at the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter beginning **September 11, 2008, at 10:00 a.m.**, at the Commission's offices, Room 100, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email at http://www.azcc.gov/divisions/utilities/forms/public_comments.pdf or by mailing a letter referencing Docket Number T-20497A-06-0802 to: Arizona Corporation

Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission, and must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 29, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a statement on their own behalf.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **August 29, 2008**.

IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed on or before **September 5, 2008**.

IT IS FURTHER ORDERED that Cbeyond shall file any objections to the Staff Report on or before **August 29, 2008**.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

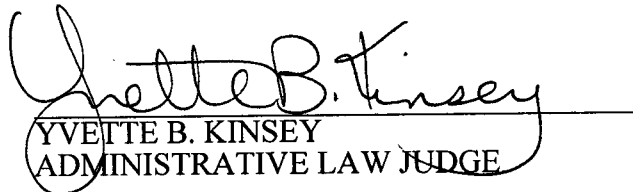
IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 28th day of July, 2008.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 28th day of July, 2008 to:

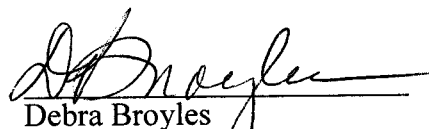
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